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CITY OF CAMBRIDGE,
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

CASE NO: PB #68

PREMISES: 239-255 Concord Avenue

ZONING DISTRICT: Business A-1 and Residence B

PETITIONER: Harvard Real Estate Inc.

APPLICATION DATE: March 19, 1987

DATE OF HEARING: April 21, 1987

PETITION: Twenty-Two townhouse units

DATE OF PLANNING BOARD DECISION: June 16, 1987

DATE OF FILING THE DECISION: July 2, 1987

Decision (summary): Approved with conditions

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws Chapter 40A, and shall be filed within twenty (20) days after the date of filing of the above referenced decision with the City Clerk.

Copies of the complete decision and final plans, if applicable, are on file with the office of Community Development and the City Clerk.

Date

7/2/87

Peter Barbey
Authorized Representative
to the Planning Board

Townhouse Special Permit #68

Case No: PB #68

Premises: 239-255 Concord Avenue,
12-14 Kelly Street

Zoning District: Business A-1 and Residence B

Petitioner: Harvard Real Estate, Inc.

Application Date: March 19, 1987

Date of Hearing: April 21, 1987

Petition: Townhouse Special Permit, Section 11.10 for twenty-
two townhouse units

Date of Planning Board Decision: June 16, 1987

Application

The following documents were submitted in support of the application.

1. Application form certified complete on March 14, 1987.
2. Plans, Elevations, Cross Sections entitled "Concord, Donnell, Kelley Street Faculty Townhouses", Woo and Williams, Architects; Various scales; Sheets A3, 2-11 and survey; dated March 9, 1987.
3. Sheet #2 showing possible locations for additional parking spaces not conforming to zoning.

Other Documents

1. Revised site plan A.001, Scale 1/16"=1'; revised elevations, 1/8"=1' dated 5/1/87; revised floor plan, 1/4"=1'; dated 5/1/87.
2. Letter to Paul Dietrich from Lauren Preston, dated April 16, regarding minor modifications to the plans.
3. Letter to the Planning Board from Lewis Hyde and Patricia Vigderman dated April 20, 1987 detailing concerns.
4. Letter to Kathy Spiegelman from John Redmond stamped received April 20, 1987, supporting the project.
5. Petition from Kelly Street Neighborhood Committee highlighting major concerns.

6. Petition to require Harvard University to reduce units or increase parking.
7. Letter to the Planning Board from George E. Christodoulo dated May 7, 1987 requesting modifications.
8. Letter to the Planning Board from Mrs. Louis Hawes dated May 30, 1987, supporting the project.
9. Letter to the Conservation Commission from Timothy Hiebert dated June 10, 1987 regarding the elm tree.
11. Letter to the Planning Board from John Kernochan dated May 5 regarding floor area calculations.
12. Letter to the Planning Board from the Conservation Commission dated June 12, 1987 recommending an Arborist's plan for protecting the elm tree.

Public Hearing

A public hearing was held on the application on Tuesday, April 21, 1987. Discussions between the Planning Board, the applicant and abutters continued at a number of subsequent Board meetings. While most persons welcomed a redevelopment of the site to housing most residents attending the hearing were concerned about the scale of the buildings, the number of units proposed, the impact of the development on the large elm tree on Kelley Street just off the site, and the insufficient number of parking spaces being provided. Kathy Spiegelman, representing Harvard Real Estate, Inc., indicated that the number of units proposed is less than permitted by right, that extra legal parking spaces are provided and that there is room for additional non-conforming parking, and that the development is providing space for the public library which has been on the site in leased space for a number of years.

Further modifications were made and presented at subsequent Board meetings affecting the height and setbacks of building facing Kelley Street. An alternate arrangement of buildings was also presented for discussion which opened the central space more fully to view from Kelley Street.

Findings

1. All procedural requirements of Section 10.40 have been met with submission of a complete application and a public hearing held on Tuesday, April 21, 1987.

2. The Townhouse Development as represented in the application documents and as revised in plans, elevations, and cross sections dated May 1, 1987 conforms to the dimensional requirements of Section 11.10 with incorporation of corrections noted below. The side yard setback of the proposed public library, however, does not conform to the side yard setback requirement of ten feet in a Business A-1 District where the lot in a business district abutts a residentially zoned lot. As the public library space is a major public amenity, is a structure only one story in height and is in a location which had a building on the property line at the time of the application the Board is prepared to grant a variation in the required setback (as established in Section 5.45) as permitted in Section 10.45 of the Zoning Ordinance to permit a five foot setback as shown on all application plans.
3. The quantity of parking provided was a major issue at the public hearing. The development will provide six parking spaces above that required by the ordinance. In addition the site plan leaves open the option for parking additional cars which would not, however, conform to the dimensional requirements of Article 6.000 for on-grade parking. However as a consistent policy the Board does not require more parking than mandated by the zoning ordinance.

The arrangement of parking and access to the site minimizes the traffic impact of the development on local residential streets by requiring all access to be from Concond Avenue.

4. Protection of the existing large elm tree off-site along Kelley Street was a major concern of abutters. It would appear that much less than a quarter of the root system would be affected by construction activity. It is appropriate that every effort be made in programming and managing construction on the site and in designing the buildings within the vicinity of the tree to minimize damage to the tree; in particular special care should be taken in excavation and construction activity near the tree's root system. There is otherwise no significant vegetation on the site.
5. In bulk and massing the arrangement of buildings has attempted to be sensitive to the diverse nature of abutting properties. Revisions made and referenced above have attempted to reduce the scale of buildings as viewed from Kelley Street. Nevertheless the development, while conforming to zoning, is more dense and larger in scale than abutting properties because, particularly on Kelley Street, existing properties are well below the scale and density permitted by zoning. While the new development is clearly more imposing than many abutting properties it is a reasonable response to the dimensional parameters of the district and the character of abutting properties.

Specifically the buildings directly fronting Kelley Street have been designed to present an image of independent, free-standing buildings spaced along the street much as the existing buildings are. In addition these buildings have a height five feet less than permitted as-of-right and have sideyard setbacks greater than permitted as-of-right. All buildings, both those fronting Concord Avenue as well as those on Kelley Street, have front yard setbacks equal to or greater than that typical of existing buildings along these streets in the vicinity of the development.

6. The accuracy of the gross floor area calculations was questioned by abutters. The plans were reviewed in detail by the staff of Community Development Department and found to be accurate provided the basement level had a height less than 7'3" to exclude it from the gross floor area calculation as was intended by the applicant. The height of the basement was inaccurately labeled on the plans as 7'3" and would thus count as gross floor area unless altered.

DECISION

After review of the information presented in the application and at the public hearing, comments made by the staff of the Community Development Department and other information presented to the Board, the Planning Board Grants a Townhouse Special Permit and Grants a variation in the sideyard setback of the Library building as authorized in Section 10.45 of the Zoning Ordinance for the Townhouse Development outlined in the Application documents as revised, with the following conditions:

1. Final plans submitted to the Inspectional Services Department for building permits shall be in general conformance with the plans submitted with the application as revised on May 1, 1987 and further revised to reflect the correct basement height and comments made in a letter to the Board from Lauren Preston.
2. The development shall continue to be subject to the standard design review by the Community Development Department. The Department shall certify to the Superintendent of Buildings that final plans conform to the requirements of this Decision before issuance of any building permit.
3. The permittee shall submit a detailed plan to the Community Development Department prior to issuance of a building permit, prepared by a qualified arborist, outlining proposed measures to be instituted before and during construction to protect the elm tree on Kelley Street abutting the property and to maximize its prospects for survival. The plan shall outline measures that may be taken by owners of the tree on a continuing basis in the future to maintain the tree in a healthy condition.

4. A detailed landscape plan shall be submitted to the Community Development Department for review and approval prior to issuance of any certificate of occupancy. Said plan shall contain details of all landscaping and fencing to be provided and street trees proposed on public sidewalks. The City's Planting Committee shall review all landscaping proposals on public streets. Said plan shall be implemented as soon as reasonably possible after the end of exterior construction but not later than the June 1 immediately following the issuance of the occupancy permit for the last unit.
5. The permittee shall make a reasonable effort to limit construction activity on the site to weekdays between the hours of 8:00 A.M. and 5:00 P.M.

In addition, to the extent possible, construction access and staging areas shall be arranged so as to limit impact on Kelley and Donnell Streets.

Voting to GRANT the Special Permit were Paul Dietrich, Joyce Bruckner, Acheson Callahan, Clarence Cooper, David Kennedy and Alfred Cohn, said members being more than two thirds of the Board. Voting to deny the permit was Carolyn Mieth who preferred an alternate development plan.

For the Planning Board

Paul Dietrich